

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

EDWARD LARKIN, JR., et al.

Plaintiffs,

vs.

SPEEDWAY SUPERAMERICA LLC,  
et al.

Defendants.

: Civil Action No. 1:04CV734

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(Beckwith, J.; Hogan, M.J.)

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**STIPULATED PROTECTIVE ORDER**

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Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, and by agreement and stipulation of the parties, the Court hereby makes and enters the following Order protecting the confidentiality of specific personnel files that will be produced by defendants Speedway SuperAmerica LLC and Paul Rodgers in response to discovery requests served upon them by plaintiffs. Accordingly, it is hereby ORDERED that:

1. Any employment documents produced by defendants and marked "CONFIDENTIAL" (hereinafter the "Confidential Information") shall be used only for the purposes of litigation in the instant action and for no other purpose whatsoever. The Confidential Information shall not be disclosed to any person or entity except in accordance with the terms of this Order.

2. Any Confidential Information produced by defendants shall be disclosed only to the following "Qualified Persons":

- a. Counsel for the named plaintiffs and persons regularly employed in counsel's offices;
- b. The Court and Court personnel;

- c. Court reporters transcribing depositions in this action; and
- d. Plaintiff Ricardo Dorsey.

3. In the event the Confidential Information produced by defendants is included with, or the contents thereof are in any way disclosed in, any pleading, Motion, Answer, response to an Interrogatory or Request for Production, deposition transcript or other paper filed with the Clerk of this Court, the Confidential Information shall be kept under seal by the Clerk until further order of this Court.

4. If the Confidential Information produced by defendants is used during the trial of this case or during the course of any other hearing, it shall not lose its confidential status through such use and counsel for the parties to this action shall exercise their best efforts and take any and all steps reasonably required to protect its confidentiality during such use and regarding any subsequent transcription of the proceedings.

5. All appropriate steps will be taken to maintain files containing the Confidential Information produced by defendants in a secure manner that precludes access by persons not permitted to obtain such information.

6. All Confidential Information produced by defendants shall be returned to Christopher D. Cathey, counsel for defendants, within 30 days after the resolution or termination of this action, either by settlement, dismissal or judgment, and upon the exhaustion of all appeals, and no copies thereof shall be retained by any person or entity, including counsel for the named plaintiffs. To the extent the Confidential Information produced by defendants is incorporated into pleadings, notes, documents protected by the work product doctrine or attorney-client privilege, and graphic exhibits, counsel for the named plaintiffs may certify to Christopher D. Cathey that those documents have been destroyed, rather than returned, or will be

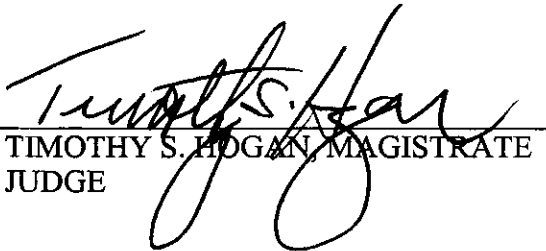
safeguarded in a manner fully consistent with the terms and conditions of this Protective Order and will be subject to the Court's continuing jurisdiction.

7. Nothing in the foregoing provisions of this Order shall be deemed to preclude defendants from seeking or obtaining additional protection with respect to the confidentiality of the Confidential Information produced or to be produced by defendants.

8. Nothing in the foregoing provisions of this Order shall be deemed to preclude plaintiffs from seeking relief from the Court to challenge the designation of any documents produced by defendants as Confidential Information.

9. In the event of any breach of this Protective Order by the named plaintiffs the parties acknowledge and understand that defendants will seek sanctions from this Court for any such breach and pursue any other legal remedies available to them for said breach.

IT IS SO ORDERED.

  
TIMOTHY S. HOGAN, MAGISTRATE  
JUDGE

AGREED:

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